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| 10/722,712 | 11/25/2003 | Dirk Erickson | DC-05756 | 7501 |
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| HAMILTON & TERRILE, LLP | | | KORZUCH, WILLIAM R | |
| P.O. BOX 203518 | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DIRK ERICKSON, ED BEEMAN, THOMAS PRATT,
CHRISTIAAN STEENBERGEN and CHARLES WEIRAUCH

Application No. 10/722,712
Technology Center 2600

Mailed: December 23, 2008

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

Claims Appendix

The Appeal Brief filed March 26, 2007, reveals that claim 5 in the Claims appendix of the Appeal Brief is not in proper format and/or is not consistent as amended in the last entered amendment filed on November 6, 2006. Furthermore, the Claims Appendix cannot assume entry of After Final submissions for which an Advisory Action has not advised of entry. *See also Manual of Patent Examining Procedure (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007)* for details.

Specifically, claim 5, as provided in the Brief's Claims Appendix, reads: "5. The information handling system of Claim 4 wherein the plural lasers further comprise an infrared (IR) laser and the optical medium identification module is further operable to perform a CD detection algorithm with the IR laser if the DVD detection algorithm fails to identify the optical medium as a DVD."

However, in the last entered Amendment dated November 6, 2006, claim 19, reads: "5. The information handling system of Claim 4 wherein the plural lasers further comprise an IR laser and the optical medium

identification module is further operable to perform a CD detection algorithm with the IR laser if the DVD detection algorithm fails to identify the optical medium as a DVD.”

It should be noted that the Advisory Action mailed January 25, 2007 denied entry of the Amendment After Final filed January 18, 2007. Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) require correction of the Claims Appendix of the Brief filed

January 29, 2007 or for the Examiner to reconsider entry of the After Final Amendment filed January 18, 2007 ; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tsj

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